

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KEN JACOBS and TIMOTHY WILLIAMS,**

**Plaintiffs,**

**v.**

**DELAWARE COUNTY DETECTIVE M.  
PALMER, DETECTIVE WORRILLOW,  
UNKNOWN DELAWARE COUNTY  
POLICE OFFICERS, THE COUNTY OF  
DELAWARE, POLICE  
COMMISSIONER JOSEPH BAIL,  
CAPTAIN C. FELL, UNKNOWN CITY  
OF CHESTER POLICE OFFICERS, and  
THE CITY OF CHESTER,**

**Defendants.**

**CIVIL ACTION**

**NO. 14-5797**

**O R D E R**

**AND NOW**, this 10<sup>th</sup> day of March, 2015, after consideration of Defendants the City of Chester, Police Commissioner Joseph Bail, and Police Captain C. Fell's Motion to Dismiss (ECF 9) and Plaintiffs' Response (ECF 14), and after consideration of Defendants Delaware County Detective M. Palmer, Detective Worrilow, and the County of Delaware's Partial Motion to Dismiss (ECF 12) and Plaintiffs' Response (ECF 13), it is hereby ORDERED that

1. both Motions to Dismiss (ECF 9 and 12) are **GRANTED**;
2. Counts Two and Five of Plaintiffs' Complaint are **DISMISSED WITHOUT PREJUDICE** and with leave to amend;
3. The City of Chester is **DISMISSED WITH PREJUDICE** as a party; and
4. Pursuant to Fed. R. Civ. P. Rule 11(b)(2) & (c)(3), Plaintiffs' counsel is **ORDERED TO SHOW CAUSE** within 14 days why sanctions in the form of

attorney's fees and costs should not be awarded to Defendants due to Plaintiffs' failure to cite to any current, post-Twombly precedential case law.

**BY THE COURT:**

**/s/ Michael M. Baylson**

**MICHAEL M. BAYLSON, U.S.D.J.**

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